

FILED  
4/17/25 3:50 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	Case No. 23-22322-GLT
	:	Chapter 13
Ryan Michael Francis	:	
Jennifer Marie Francis	:	
<i>Debtor.</i>	:	
<hr/>		
Ryan Michael Francis	:	Related to Dkt. No(s). 76
<i>Movant,</i>	:	
	:	
v.	:	
	:	
No Respondents	:	
	:	
<i>Respondents.</i>	:	
<hr/>		

**ORDER**

Upon preliminary review of the Motion to Approve Nunc Pro Tunc Counsel for Debtor Ryan Michael Francis and Approve Compromise and Release Agreement [ Dkt. No. 76] the Court notes several deficiencies: (a) special counsel has not submitted a statement required by Fed.R.Bankr.P. 2014; (b) the motion provides no justification for the Court to consider nunc pro tunc relief when the application was filed nearly one year after Debtor entered into a fee agreement (see, e.g. F/S Airlease II, Inc. v. Simon (In re F/S Airlease II, Inc.), 844 F.2d 99 (3d Cir. 1988); In re Young, 646 B.R. 779 (Bankr. W.D.Pa. 2022)); (c) Debtor asserts an exemption in the proceeds of the workers' compensation settlement, but it does not appear he claimed an exemption on Schedule A/B; and (d) the application fails to address why Debtor did not disclose the workers' compensation claim on Schedule A/B when it was completed and filed three weeks after his injury.

Without satisfactory answers to these issues, the Court is inclined to deny special

counsel's employment and approve the settlement with the proceeds to be transferred to the chapter 13 trustee as assets of the bankruptcy estate. To the extent the Debtor intends to submit a supplement to the application, it shall be filed no later than April 30, 2025.

Dated: April 17, 2025

  
\_\_\_\_\_  
GREGORY L. TADDONIO CHIEF JUDGE  
UNITED STATES BANKRUPTCY COURT

Case Administrator to Mail to:  
Ryan Michael Francis  
Jennifer Marie Francis  
Richard W. Schimizzi, Esq.

In re:  
Ryan Michael Francis  
Jennifer Marie Francis  
Debtors

Case No. 23-22322-GLT  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Apr 17, 2025

User: auto  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
--------	------------

+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
---	--

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 19, 2025:

Recip ID	Recipient Name and Address
db/jdb	+ Ryan Michael Francis, Jennifer Marie Francis, 399 Sheffield Drive, Greensburg, PA 15601-1745

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 19, 2025

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 17, 2025 at the address(es) listed below:

Name	Email Address
Danielle Boyle-Ebersole	on behalf of Creditor Capital One Auto Finance a division of Capital One, N.A., c/o AIS Portfolio Services, LLC dboyle-ebersole@hoflawgroup.com, ckohn@hoflawgroup.com
Denise Carlon	on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER dcarlon@kmlawgroup.com
Jeffrey Hunt	on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Richard W. Schimizzi	on behalf of Joint Debtor Jennifer Marie Francis rws@schimizzilaw.com mrs@schimizzilaw.com;G16143@notify.cincompass.com;lms@schimizzilaw.com

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Apr 17, 2025

Form ID: pdf900

Total Noticed: 1

Richard W. Schimizzi

on behalf of Debtor Ryan Michael Francis rws@schimizzilaw.com  
mrs@schimizzilaw.com;G16143@notify.cincompass.com;lms@schimizzilaw.com

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

TOTAL: 7